

9165. Misbranding of Gauvin's Cough Syrup and Sirop D'Anis (Syrup of Anise). U. S. * * * v. Certain Bottles of * * * Gauvin's Cough Syrup and Sirop D'Anis (Syrup of Anise). Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12772 to 12781, inclusive. I. S. Nos. 18219-r to 18225-r, inclusive, 1276-r, 1278-r, 1282-r. S. Nos. E-2282, E-2283, E-2285, E-2290, E-2291, E-2292, E-2293, E-2294, E-2296, E-2297.)

On or about July 22, 1920, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of certain bottles of Gauvin's Cough Syrup and Sirop D'Anis (Syrup of Anise), remaining unsold in the original unbroken packages at various places in Vermont, consigned by J. A. E. Gauvin, Lowell, Mass., alleging that the articles had been shipped between the dates August 27, 1919, and January 9, 1920, and transported from the State of Massachusetts into the State of Vermont, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Gauvin's Cough Syrup consisted essentially of the extractives of wild cherry bark and spruce gum, sugar, alcohol, and water, and that the Sirop D'Anis consisted of morphine acetate, alcohol, oil of anise, sugar, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that the packages bore certain statements regarding the curative or therapeutic effects thereof, as follows, (Gauvin's Cough Syrup) (bottle) "* * * For * * * 'La Grippe,' Whooping-Cough & all affections of the Throat & Lungs," (carton, English and French) "* * * Recommended For * * * 'la Grippe,' Whooping Cough and all Throat and Pulmonary Diseases. * * * A safe and active Remedy for all Diseases of the Respiratory Organs: * * * La Grippe, Whooping-Cough and all Throat and Lung Diseases," (circular) "* * * Successfully used in all affections of the Throat, Bronchi and Lungs. * * * especially indicated in the treatment of all cases of Coughs, Colds, Catarrh, Asthma, Whooping-Cough, Influenza and in the first stages of Consumption. * * * Tuberculosis * * * ailments of the Chest; * * * Spasmodic Coughs, * * *," (French) "* * * used against all affections of the throat, bronchi and lungs * * * Gauvin Cough Syrup is fully indicated for treatment of the most serious cases of colds, bronchitis, the most obstinate catarrhs, asthma, whooping cough, grippe, hoarseness, influenza and the first stages of consumption * * * tuberculosis and * * * epidemic grippe * * * diseases of the chest * * * gastric disorders," (Sirop D'Anis) (bottle, one consignment) "* * * For Babies * * * A Preparation for soothing pain in cases of Colic, Dysentery, Coughs & Colds, recommended for babies and children when process of dentition is painful," (bottle, remaining consignments) "* * * For Babies * * * This preparation is highly recommended in cases of Colic, Dysentery, Sleeplessness and painful dentition. * * *" (French) "For babies. This syrup is administered in cases of colic, diarrhea, dysentery, painful dentition, sleeplessness, coughs, colds, etc.," (wrapper, all consignments) "* * * For Babies * * * This Syrup is administered for Infantile Colics, Dysentery, Coughs, Colds, Sleeplessness, etc.," (French) "For Babies. This syrup is administered in cases of colic, diarrhea, dysentery, painful dentition, coughs, colds, sleeplessness, etc.," (circular, all consignments) "For Babies * * * A preparation for soothing pain in cases of Colic, Dysentery, Coughs, Colds and Sleeplessness. Recommended for babies and children

when the process of dentition is painful," (French) "For babies * * * a preparation for soothing pain in cases of colic, dysentery, colds and chills (Refroidissements). Recommended for babies and children when dentition is painful and when wanting sleep," which statements were false and fraudulent in that the articles contained no ingredient or ingredients capable of producing the therapeutic or curative effects claimed for them.

On January 6, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9166. Adulteration of eggs. U. S. * * * v. Emil Weidenmaier. Plea of guilty. Fine, \$50. (F. & D. No. 12810. I. S. No. 6836-r.)

On September 2, 1920, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Emil Weidenmaier, Fort Cobb, Okla., alleging shipment by said defendant, under the name of Otto Wray, in violation of the Food and Drugs Act, on or about July 29, 1919, from the State of Oklahoma into the State of Texas, of a quantity of shell eggs which were adulterated.

Examination of 360 eggs taken from two cases of this consignment, by the Bureau of Chemistry of this department, showed 42 black rots, 8 mixed or white rots, and 1 heavy blood ring, or 14.2 per cent inedible eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed animal substance.

On January 24, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

E. D. BALL, *Acting Secretary of Agriculture.*

9167. Misbranding of Rawleigh's All-Medicine Hog Mixture. U. S. * * * v. 23 Cans of Rawleigh's All-Medicine Hog Mixture. Default decree of forfeiture and destruction. (F. & D. No. 12818. Inv. No. 21133. S. No. E-2308.)

On June 9, 1920, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 23 cans of Rawleigh's All-Medicine Hog Mixture, at Lumberton, N. C., alleging that the article had been shipped by the W. F. Rawleigh Co., Chester, Pa., on or about April 20, 1920, and transported from the State of Pennsylvania into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Rawleigh's All-Medicine Hog Mixture * * * To Prevent Disease, * * * If a contagious disease is in the neighborhood feed regularly as long as the contagion lasts. * * * Even hogs so sick with Cholera that they refused to eat anything else have had their appetites restored by it, and have improved steadily until perfectly well. * * * Hog Cholera and Swine Plague * * * it is recommended as especially useful to help overcome and prevent these diseases, and has been found helpful in restoring hogs to health in many cases where they have practically every symptom of being afflicted with one or the other of these diseases. * * * Use Enough To Do Some Good. * * * The Mixture should be given regularly at least several weeks to obtain appreciable benefit. * * * Give it a trial, a thorough test, and you will be unusually well pleased with the results;" (booklet) "To